



IAP13 Rec'd PCT/PTO 24 NOV 2006

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PTO/SB/21 (09-06)

Approved for use through 03/31/2007. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

Application Number	10/561,413-Conf. #8051
Filing Date	December 19, 2005
First Named Inventor	Kyung-Jin Yeum
Art Unit	N/A
Examiner Name	Not Yet Assigned
Attorney Docket Number	005363-3271

ENCLOSURES (Check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to TC
<input checked="" type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input checked="" type="checkbox"/> Declaration and Power of Attorney	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Terminal Disclaimer	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Request for Refund	1. Part 2 Copy of Notice
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> CD, Number of CD(s) _____	2. Application Data Sheet
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> Landscape Table on CD	3. Marked Copy of original fee sheet
<input checked="" type="checkbox"/> Reply to Missing Parts/Incomplete Application	Remarks	4. Return Receipt Postcard
<input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	NUTTER MCCLENNEN & FISH LLP		
Signature			
Printed name	Deborah A. Miller		
Date	November 21, 2006	Reg. No.	53,328


Transmittal

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the U.S. Postal Service on the date shown below with sufficient postage as First Class Mail, in an envelope addressed to: MS Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Dated: November 21, 2006

Signature: (Deborah A. Miller)

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the U.S. Postal Service on the date shown below with sufficient postage as First Class Mail, in an envelope addressed to: MS Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Dated: November 21, 2006 Signature: 
(Deborah A. Miller)

Docket No.: 005363-3271
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Kyung-Jin Yeum

Application No.: 10/561,413

Filed: December 19, 2005

For: SYNERGISTIC EFFECT OF COMPOSITIONS
COMPRISING CAROTENOIDS SELECTED
FROM LUTEIN, BETA-CAROTENE AND
LYCOPENE

Confirmation No.: 8051

Art Unit: N/A

Examiner: Not Yet Assigned

RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS

MS Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the Notification of Missing Requirements mailed September 21, 2006, Part 2 – copy enclosed, Applicant respectfully submits a Combined Declaration and Power of Attorney, the Filing Fee for the Application (as shown on accompanying Fee Transmittal), Application Data Sheet, and Part 2 Copy of Notice.

When this case was filed on December 19, 2005, we inadvertently claimed small entity status and also incorrectly noted that there were 8 total independent claims instead of the 4 independent claims that were actually filed. These errors are corrected in red on a copy of the originally filed fee worksheet. This application is a LARGE entity and has a total of 4 independent claims. Accordingly, a total fee of \$1200 is due. A check for \$1000 was paid upon filing. Therefore, we believe that \$200 is due and submit payment herewith.

Application No.: 10/561,413

Docket No.: 005363-3271

Our checks in the amounts of \$65.00 and \$265.00 covering the additional claim fee of \$200 and the \$130 surcharge as set forth in 37 CFR 1.492(h) are enclosed. The Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 141449, under Order No. 005363-3271.

Dated: November 21, 2006

Respectfully submitted,

By 

Deborah A. Miller

Registration No.: 53,328

NUTTER MCCLENNEN & FISH LLP

World Trade Center West

155 Seaport Boulevard

Boston, Massachusetts 02210-2604

(617) 439-2863

(617) 310-9863 (Fax)

Agent for Applicant

1578174.1

11/28/2006 ATRAM1 00000093 10561413

01 FC:1617	130.00 OP
02 FC:1614	200.00 OP

Effective on 12/08/2004. Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818). <h2 style="margin: 0;">FEE TRANSMITTAL</h2> <h3 style="margin: 0;">For FY 2006</h3>		Complete if Known	
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27		Application Number	10/561,413-Conf. #8051
		Filing Date	December 19, 2005
		First Named Inventor	Kyung-Jin Yeum
		Examiner Name	Not Yet Assigned
		Art Unit	N/A
TOTAL AMOUNT OF PAYMENT		(\$)	330.00
		Attorney Docket No.	005363-3271

METHOD OF PAYMENT (check all that apply)	
<input checked="" type="checkbox"/> Check <input type="checkbox"/> Credit Card <input type="checkbox"/> Money Order <input type="checkbox"/> None <input type="checkbox"/> Other (please identify): _____	
<input type="checkbox"/> Deposit Account Deposit Account Number: <u>141449</u> Deposit Account Name: <u>Nutter McClennen & Fish LLP</u>	
For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)	
<input type="checkbox"/> Charge fee(s) indicated below <input type="checkbox"/> Charge fee(s) indicated below, except for the filing fee	
<input checked="" type="checkbox"/> Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17 <input checked="" type="checkbox"/> Credit any overpayments	

FEE CALCULATION							
1. BASIC FILING, SEARCH, AND EXAMINATION FEES							
Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	
2. EXCESS CLAIM FEES							
						Small Entity	
Fee Description						Fee (\$)	Fee (\$)
Each claim over 20 (including Reissues)						50	25
Each independent claim over 3 (including Reissues)						200	100
Multiple dependent claims						360	180
Total Claims		Extra Claims	Fee (\$)	Fee Paid (\$)	Multiple Dependent Claims		
20		- 20 = 0	x	= 0			
HP = highest number of total claims paid for, if greater than 20.							
Indep. Claims		Extra Claims	Fee (\$)	Fee Paid (\$)			
4		- 3 = 1	x 200.00	= 200.00			
HP = highest number of independent claims paid for, if greater than 3.							
3. APPLICATION SIZE FEE							
If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).							
Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof		Fee (\$)	Fee Paid (\$)		
32	- 100 =	/50 (round up to a whole number) x		=			
4. OTHER FEE(S)							
Non-English Specification, \$130 fee (no small entity discount)							
Other (e.g., late filing surcharge): 2051 Surcharge-Late filing fee						130.00	

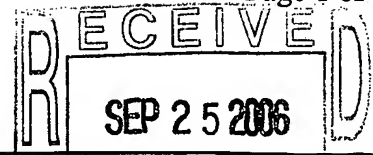
SUBMITTED BY			
Signature		Registration No. (Attorney/Agent)	53,328
Name (Print/Type)	Deborah A. Miller	Telephone	(617) 439-2000
		Date	November 21, 2006

Fee Transmittal	
I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the U.S. Postal Service on the date shown below with sufficient postage as First Class Mail in an envelope addressed to: MS Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.	
Dated: November 21, 2006	Signature: (Deborah A. Miller)



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov



U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
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10/561,413

Kyung-Jin Yeum

005363-3271

TSE/dam

INTERNATIONAL APPLICATION NO.

PCT/US05/07651

I.A. FILING DATE	PRIORITY DATE
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03/10/2005

03/10/2004

Thomas J Engellenner
Nutter McClennen & Fish LLP
World Trade Center West
155 Seaport Boulevard
Boston, MA 02210-2604

CONFIRMATION NO. 8051

371 FORMALITIES LETTER



OC000000020468497

Date Mailed: 09/21/2006

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 12/19/2005
- Copy of the International Search Report filed on 12/19/2005
- Copy of IPE Report filed on 12/19/2005
- U.S. Basic National Fees filed on 12/19/2005
- Priority Documents filed on 12/19/2005

DOCKETED

11/21/06 - Response Due
04/21/07 - ESP w/5mof

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Additional claim fees of \$1000 as a non-small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.
- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

Total additional fees required for this application is \$1130 for a Large Entity:

3249

SCANNED
ON 9/25/06
BY mcs
TO mpc

- \$130 Surcharge.

\$ 200

- Total additional claim fee(s) for this application is \$ ~~1000~~

\$ 200 1

- ~~\$1000~~ for ~~5~~ independent claims over 3.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

CHARITTA A BURT

Telephone: (703) 308-9140 EXT 207

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/561,413	PCT/US05/07651	005363-3271

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

U.S. APPLICATION NO. (if known, see 37 CFR 1.5)		INTERNATIONAL APPLICATION NO. PCT/US05/07651		ATTORNEY'S DOCKET NUMBER 005363-3271	
20. <input checked="" type="checkbox"/> Other items or information:		Transmittal Letter (3 sheets in duplicate); copy of PCT Request (4 sheets); copy of Form PCT/IB/304 (1 sheet); copy of PCT/IB/308 (1 sheet); copy of PCT International Published Application (WO 2005/087208) (without International Search Report) (32 sheets along with 6 sheets of figures); copy of Cover sheet for PCT International Published Application (WO 2005/087208) (with Search Report attached) (4 sheets); copy of PCT International Search Report along with PCT Written Opinion of the International Searching Authority (13 sheets); Certificate of Express Mailing (2 sheet); Check SMALL entity (\$1000); and Return Postcard.			
The following fees have been submitted				CALCULATIONS	PTO USE ONLY
21. <input checked="" type="checkbox"/>	Basic national fee (37 CFR 1.492(a))		\$300	\$ 300.00	
22. <input checked="" type="checkbox"/>	Examination fee (37 CFR 1.492(c)) If the written opinion prepared by ISA/US or the international preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4) \$0 All other situations \$200			\$ 200.00	
23. <input checked="" type="checkbox"/>	Search fee (37 CFR 1.492(b)) If the written opinion of the ISA/US or the international preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4) \$0 Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the USPTO as an International Searching Authority \$100 International Search Report prepared by an ISA other than the US and provided to the Office or previously communicated to the US by the IB \$400 All other situations \$500			\$ 500.00	
TOTAL OF 21, 22 and 23 =				\$ 1,000.00	
<input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing in compliance with 37 CFR 1.821(c) or (e) or computer program listing in an electronic medium) (37 CFR 1.492(j)). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.					
Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof (round up to a whole number)	RATE		
- 100 =	/50 =		x \$250.00	\$	
Surcharge of \$130 for furnishing any of the search fee, examination fee, or the oath or declaration after the date of commencement of the national stage (37 CFR 1.492(h)).				\$	
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE		
Total claims	20 - 20 =	0	x	0.00	
Independent claims	4 - 3 =	1	x 200.00	\$200 1,000.00	
MULTIPLE DEPENDENT CLAIM(S) (if applicable)				+	
TOTAL OF ABOVE CALCULATIONS =				\$ 1,200 2,000.00	
<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Fees above are reduced by 1/2.				1,000.00	
SUBTOTAL =				\$ 1,000.00 1,200	
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(i)).				\$	
TOTAL NATIONAL FEE =				\$ 1,000.00 1,200	
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property				\$	
				\$	
TOTAL FEES ENCLOSED =				\$ 1,000.00	
				Amount to be refunded:	\$
				Amount to be charged	\$ 200

Large Entity